

**SOUTH CAROLINA PUBLIC SERVICE COMMISSION
HEARING EXAMINER DIRECTIVE**

DOCKET NO. 2019-185-E and DOCKET NO. 2019-186-E Order No. 2019-107-H

SEPTEMBER 19, 2019

Hearing Officer: Randall Dong

DOCKET DESCRIPTION:

South Carolina Energy Freedom Act (H.3659) Proceeding to Establish Duke Energy Carolinas, LLC's Standard Offer, Avoided Cost Methodologies, Form Contract Power Purchase Agreements, Commitment to Sell Forms, and Any Other Terms or Conditions Necessary (Includes Small Power Producers as Defined in 16 United States Code 796, as Amended) - S.C. Code Ann. Section 58-41-20(A)

And

South Carolina Energy Freedom Act (H.3659) Proceeding to Establish Duke Energy Progress, LLC's Standard Offer, Avoided Cost Methodologies, Form Contract Power Purchase Agreements, Commitment to Sell Forms, and Any Other Terms or Conditions Necessary (Includes Small Power Producers as Defined in 16 United States Code 796, as Amended) - S.C. Code Ann. Section 58-41-20(A)

MATTERS UNDER CONSIDERATION:

- 1) Prehearing Brief Schedule Clarification and Adjustment;**
- 2) Explanation of Presentation of the Commission Consultant's Final Report;**
- 3) Rescheduling of Hearing Date**

HEARING EXAMINER'S ACTION:

The directive is to be effective in both Docket No. 2019-185-E and Docket No. 2019-186-E.

Prehearing Brief Schedule Clarification and Adjustment

On September 17, 2019, counsel for Duke Energy Carolinas, LLC and Duke Energy Progress, LLC filed a letter requesting clarification of Order No. 2019-104-H and 2019-105-H which provided deadlines for submission of prehearing briefs. In this letter, concerns regarding potential prejudice to the parties were raised, along with proposed alternative solutions.

The proposal made by Duke is generally adopted. The new procedure is to be as follows:

The parties shall be allowed until September 30th to file a prehearing brief. The brief shall contain:

- 1) Statement of the case from each party.**
- 2) Identification of witnesses that have prefiled testimony**
- 3) Legal issues presented**
- 4) Brief summaries of prefiled testimony.**
- 5) Other information the party deems relevant**

A second brief or filing is due on October 8th. This filing should include:

- 1) A summary of responses to other parties' positions and responses thereto.**
- 2) Any outstanding procedural issues, including evidentiary issues.**
- 3) A brief summary of testimony filed since September 30.**
- 4) A description of any stipulations reached or identification of issues not in controversy.**

Explanation of Presentation of the Commission Consultant's Final Report

In the same September 17th letter, Duke requests clarification or explanation on the Commission's use of its consultant and the consultant's report. The consultant, Power Advisory, LLC, will prepare a Final Report no later than November 4th, 2019. Subsequent to its publication, the parties will be given an opportunity to comment, in writing, on the report. The due dates for such comments will be November the 8th at 12:00 p.m. (noon).

The consultant shall not appear at the hearing to provide live testimony.

Rescheduling of Hearing Date

Finally, the scheduled hearing date for Docket No. 2019-185-E and 2019-186-E is to be rescheduled to begin on Friday, October 18th at 9:00 a.m.